



NEWS RELEASE

Wisconsin Department of Natural Resources
101 S Webster, P.O. Box 7921, Madison, WI 53707
Phone: (608) 266-6790 TDD: (608) 267-6897
www.dnr.state.wi.us www.wisconsin.gov

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CONTACT: Al Shea (608) 267-2759

SUBJECT: State gets input on revising shoreland protection rules
Initial advisory committee feedback: Keep 75 foot setback

STEVENS POINT, Wis. –Waterfront property owners would oppose any state move to require homes to be set back more than 75 feet from the water, an advisory committee helping update Wisconsin's 35-year-old shoreland protection rules told the state Jan. 30 in its first substantial meeting to examine possible changes to the rules.

Committee members told Department of Natural Resources staff that their initial leaning is for the state to keep the building setback at the current standard of 75 feet but develop in greater detail other changes that might be able to achieve the goal of better protecting lakes and rivers while increasing flexibility for property owners.

Those other changes, committee members suggested, could include enlarging the "primary buffer," the area within that 75 foot setback in which there are limits on cutting and removing native plants and trees. The current standard requires that all buildings and structures except piers, boat hoists and boathouses, be set back 75 feet from the ordinary high water mark. Within the first 35 feet from the ordinary high water mark, the "primary buffer," people are prohibited from clear-cutting trees and shrubbery except for 30 feet in every 100 feet of frontage.

The 25-member committee, representing interests including the construction industry, property owners, environmental groups, landscapers and local governments, had met previously. But the Jan. 30 session in Stevens Point was the first devoted to weighing options in the multi-year process of gathering citizen input to help revise the shoreland protection rules mandated by the 1966 Water Resources Act.

Citizens can view the options the committee considered Jan. 30 and give their opinions by filling out the accompanying comment form on DNR's Web site: <http://www.dnr.state.wi.us>, then use the topic menu and select "shoreland management," then click on the rule revision, and look for materials under the Jan. 30 meeting.

E-mail or written comments will be circulated among DNR staff and advisory committee members. Citizens also are encouraged to attend one of the public listening sessions planned statewide later this year to gather public comment to the advisory committee's final preferences before DNR starts drafting the rule revisions.

An earlier suggestion to allow a public comment period at the end of each committee meeting was judged not feasible given the volunteer members' available time and workload, particularly given the efficiency of circulating written comments and opportunities for people to speak before DNR at planned public listening sessions, Natural Resources Board meetings, public hearings, and likely legislative hearings.

Wisconsin's shoreland protection rules, chapter NR 115 of the Wisconsin Administrative Code, set statewide minimums in unincorporated areas for lot sizes, how far structures are set back from the water, and limits on removing trees and other plants from the near-shore area. Counties must adopt, administer and enforce these statewide minimum standards or more protective ones.

A 1997 EPA-funded review concluded that the state's shoreland standards were inadequate to meet the 1966 legislative charge to "prevent and control water pollution; protect spawning grounds, fish and aquatic life, control building sites, placement of structure and land uses and reserve shore cover and natural beauty." In addition, a growing body of research on buffers shows that Wisconsin's minimum requirements to protect wildlife habitat, water quality and scenic beauty are just that -- minimums.

At the Jan. 30 session, Carmen Wagner, DNR shoreland management specialist, presented options for setbacks and buffers as well as five other related issues. Options included keeping the existing setback and buffer requirements, expanding the setback distance, and various options of keeping the existing setback but expanding the primary buffer and allowing more flexibility in the "secondary buffer."

The primary buffer, next to the water, is most important in protecting water quality, habitat and natural scenic beauty, so the aim is to preserve the native plant communities and trees there. The secondary buffer, farther from the water, would allow more cutting, lawns, and other activities.

During discussion after the presentation, many committee members cited research indicating that buffers need to be much wider than the current minimum standards to protect water quality and provide wildlife habitat. But they expressed their desire not to create any more situations in which existing structures no longer met the standards and became "nonconforming structures," which are common to all kinds of zoning, not just shoreland. Zoning law requires local units of government to ultimately eliminate nonconforming structures on properties where there is room to locate a conforming structure by limiting the renovations and expansions allowed to that nonconforming structure. The aim is to achieve the zoning goals and treat equally under the law all property owners, including new property owners who must follow stricter rules.

Committee chair and DNR Watershed Management Bureau Director Al Shea said the department realizes that science must be balanced with social and economic needs in the shoreland area. He asked committee members to provide their initial feedback on which of options they favored -- and their suggestions for new ones. Their answers would not be set in stone, Shea said, but would help DNR understand which options they should spend more time developing.

Members favored two options: keeping the existing standard: a 75-foot setback with a primary buffer of 35 feet and keeping the existing setback but expanding the primary buffer to 50 feet.